

## REMARKS

The applicant thanks the Examiner for resending the Office Action.

Relating to the rejections of the claims outlined in the Office Action dated 07/11/2005, claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by Larsen (U.S. Pat. 5,539,635). The applicant's invention provides an automated solution to assist users in identifying a broadcast station listened to or viewed. Claim 19 recites a communication network address that is associated in a database with broadcaster identifiers, to create a narrowed subset of broadcast identifiers from which a user's input can be compared or alternatively a user can select from. (Page 5, lines 3 – 21 and pages 19, 20 and 21 along with diagrams 4, 5 and 6 of the applicant's description.)

Relating specifically to the rejection of claim 19, the examiner states, "receiving a network address associated with a user inquiry, reads on the user inputting the broadcast identifier, when a radio request is made". The applicant maintains that a network address and broadcast identifier are distinctly different and provide separate functions within the applicant's claimed invention.

The examiner also notes, "The additionally claimed features of querying the database, to determine a match and if a match is found selecting one of the broadcast identifiers is met by Larson, Abstract & col. 5, lines 21-67". The applicant has reviewed the Larsen reference cited, but was unable to locate any reference relating to storing network addresses or indexing the "network addresses" to a "group of broadcast identifiers" as recited in the applicant's claim 19, in the following element of the claim:

*"querying a database of stored network addresses, wherein each stored network address or part thereof is indexed to a group of broadcast identifiers;"*

If the examiner maintains this rejection, then the applicant respectfully requests the examiner to indicate the reference within Larsen's description disclosing the storage of "network addresses" and the "indexing" of such to a "group of broadcast identifiers".

Relating to the rejection of claims 1 and 20 under 35 U.S.C. 103(a) as being unpatentable over Larsen, in view of Hirata.

In the applicant's claims 1 and 20, the geographic identification code is utilized in one manner providing one function, however in making the rejection the examiner has combined two references of "geographic ID" with each cited reference providing a separate function and acting on different and unrelated sets of data. In the Hirata reference the Office Action refers to "region codes associated with broadcast frequencies" as reading on the applicant's teaching of geographic identification code "wherein a receiver scans the radio broadcast frequencies of a region and assigns the scanned frequencies of a particular region to a particular region code". Later in the rejection, the examiner states, "Larsen, using Automatic Number Identification (ANI), which identifies the address of the user" is also reading on the applicant's teaching of geographic identification codes. These Larsen and Hirata references clearly are not acting as one geographic identifier and as such, respectfully, should not be included within the same rejection.

In addition, the applicant respectfully requests reconsideration of the examiner's rejection of claims 1 and 20, based on the Larsen ANI reference (col. 6, lines 8-28) as reading on the applicant's geographic ID. The applicant has reviewed the Larsen specification and found only one reference to ANI (col. 6, lines 19-26) of which it is used within the customer identification module, "customer identification module is able to look up the customer's, billing information, and shipment address without the customer having to enter any information." In no way, has Larsen linked ANI information or the "address of the user" to geographic identification codes or broadcast identifiers. The applicant maintains that there is no suggestion or motivation in the prior art to either explicitly or implicitly make the reference.

Further, it should be noted that the Larsen invention identifies program items not broadcasters (Col. 3; lines 5 – 9 and lines 24 – 27, Col. 5; lines 55 – 60) and requires all of a time, day and broadcaster identifier information to operate. Neither Larsen's or Hirata's teachings relate to identifying a broadcaster. Larsen identifies a program item while Hirata identifies a region, and the applicant believes this is a significant consideration in view of the rejection based on 35 U.S.C 103(a) on the basis of obviousness.

In making the rejection of claims 1 and 20, the Office Action also states that the Larson patent discloses essentially all of the subject matter recited in claims 1 and 20 with the exception of storing "a geographic ID of the broadcast signal". To this end the rejection relies upon Hirata for its disclosure of "a geographic ID of the broadcast signal". It is respectfully submitted, however, that the combined teachings of the two references do not suggest the claimed invention to a person of ordinary skill in the art as reviewed in the following paragraphs.

The applicant's claims 1 and 20 necessitate a specific order of the elements within each of the recited claims. First, a geographic identifier is received which is used as the retrieval key to create a subset of broadcast identifiers. Next, a broadcast identifier is received and compared to

the subset of broadcast identifiers to identify the correct broadcast identifier. The initial creation of the subset of broadcast identifiers must exist for the operation of the claimed invention. This order of events has been recited in the last two limitations of the applicant's claims 1 and 20 (reference from claim 1):

*communicating said user related geographic identification code into said database to create a subset of data, said subset of data comprising data representing at least one broadcast identifier; and*  
*identifying said radio or television broadcast from said subset of data upon receipt of said broadcast identifier.*

In addition, to the order of the applicant's claim elements the handling of data is distinctly different in the Hirata description and claims. Hirata teaches, generating and storing sets of broadcast frequencies received by a receiver based upon predetermined signal reception levels, and creates two groups. The first group of received frequencies having signals above a predetermined signal reception level and a second group with sets of broadcast frequencies below the predetermined signal level. Next, Hirata compares the generated set of broadcast frequencies to a master database of sets of pre-stored frequencies which are mapped to specific region codes. When a created set of broadcast frequencies from the first group matches a set from the master database of pre-stored frequencies, the region code mapped for that set of frequencies is selected. Hirata further discloses sorting the created radio frequencies by nearest local region code to assist in determining the next frequency set.

Hirata's manipulation of data is distinctly different to that of the applicant's teachings. Hirata utilizes the generated set of broadcast frequencies as the retrieval key to look up region codes (note that multiple frequencies are required), while the applicant's claimed invention, utilizes a single geographic identifier code as the retrieval key to create a subset of broadcast identifiers. A further distinction, Hirata generates a set of broadcast frequencies based upon receipt of broadcast signals, whereas, the applicant's claimed invention selects broadcast identifiers from a master database based upon receipt of a geographic identifier.

It is respectfully submitted, therefore, that even if the teachings of the Hirata patent were to be incorporated into a system such as that disclosed in the Larsen patent, the result would not be the same as the subject matter recited in claims 1 and 20. Specifically, the combined teachings of the patents do not suggest a method and system to identify radio or television broadcasts utilizing the receipt of a geographic identification code to create a subset of broadcast identifiers, to which a broadcast identifier is compared for the identification of a broadcast. If the

rejection is maintained, the examiner is respectfully requested to explain how the reference is being interpreted to suggest the subject matter of claims 1 and 20.

Respectfully, the applicant requests review of particular ones of the dependent claims. The applicant also requests that prosecution of the remaining independent claims, not addressed below, be held in abeyance until such time as patentable subject matter is established.

Claim 3, in combination with claims 2 and 1, present a unique aspect of the invention that enables the identification of a broadcast identifier through a touchtone telephone in the most efficient manner and requiring the least number of touchtone key strokes. (Page 19, lines 5-18) This aspect of the invention is directed to broadcast identifiers comprising alphabetic characters where only one keystroke is required for each alphabetic letter as opposed to current touchtone telephone keypad input that requires multiple touchtone keystrokes to identify an alphabetic letter. If the examiner maintains the rejection in view of Larsen, he is asked to direct the applicant to the portion of Larsen's disclosure where he recites storage, in the database, of "digital data representing telephone keypad numbers for said at least one broadcast identifier, wherein said at least one broadcast identifier comprises or contains alphabetic characters".

With respect to claim 7, 8, and 23, and the rejection based on Larsen. Larsen maps time, date and station information to program descriptions (Col. 3, lines 5 – 9 and lines 24 – 27 & Col. 5, lines 55 – 60) and all three are required to be input for the invention to operate and retrieve program information. This input identifies a program item not a broadcaster. In one embodiment of the applicant's teachings the invention only requires the identification of a broadcaster to access program information. (Page 15, lines 16-26 & page 16, lines 1-19) If the examiner maintains the rejection, the applicant respectfully requests a reference recited from Larsen where he teaches transmitting program information based upon the receipt of only a broadcast identifier. Further, with reference to the applicant's claim 8, Larsen's time, day, broadcaster information maps to one program item not a program schedule whereas the applicants teachings, in this claimed embodiment, transmits program descriptions in the order of a program schedule.

With respect to claim 9 and 26, the applicant maintains that locating program descriptions remotely (Page 25, lines 22-26) is both unique and inventive and not taught in Larsen. If the examiner maintains the rejection the applicant respectfully requests further clarification as to the reasons for the rejection.

The applicant respectfully requests withdrawal of the rejection of claim 11, when considered in combination with claims 8, 7 and 1. Larsen maps program descriptions based on time, day, and broadcaster information with all three required to access program information. As previously discussed, the applicant's presently claimed invention does not require the input of all

of time, day and broadcaster information and only requires the input of a broadcast identifier. Various embodiments of the applicant's teachings require the synchronization of program descriptions with a program schedule to insure the correct program description(s) are transmitted. (Page 7, lines 5-13 & page 14, lines 25-26 & page 15, lines 1-25) If the examiner maintains the rejection based on Larsen, the applicant respectfully requests further clarification as to how Larsen accomplishes the combined teachings of claims 7 and 8 - program descriptions synchronized with program schedule or list combined with program descriptions are transmitted in the order corresponding to a program schedule or list.

The applicant requests reconsideration of claims 14 and 17 based on the applicant's previous remarks concerning the examiner's interpretation of Larsen's utilization of ANI as a geographic identifier. Further, the examiner linked ANI with a customer address in his rejection of independent claims 1 and 20, "Larsen, using ANI, which identifies the address of the user" the examiner indicating the customer address being the geographic identifier. As recited in claim 17, "telephone switch, telephone cell or transmitter information" denotes a range rather than an address. (Page 18, lines 19-20) Further, "telephone switch, telephone cell or transmitter information" is not typical information that would be input by telephone by a user of the system.

For the foregoing reasons, it is respectfully submitted that all claims pending in the application are allowable over the prior art of record. Reconsideration and withdrawal of the rejections, and allowance of the claims are respectfully requested.

Respectfully submitted,

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